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In his present Motion, Osbourne sought immediate release on the grounds that discontinuance of the boot camp program violated the Ex Post Facto Clause and the notice and comment requirement for agency rulemaking under the APA. *See Castellini v. Lappin*, 365 F.Supp.2d 197 (D. Mass. 2005). Regardless of the merits of those arguments, I have no jurisdiction to order immediate release as a remedy, nor would that be appropriate, although I am

of course hopeful Mr. Osbourne will do well once his sentence is complete.¹

Accordingly, the motion will be dismissed without prejudice by separate order.

October 12, 2006

Date

/s/

CCB

Catherine C. Blake
United States District Judge

¹ As I advised Mr. Osbourne in response to earlier correspondence, his anticipated release to a halfway house followed by compliance with the terms of supervised release appeared to offer the best opportunity for his continued progress and successful rehabilitation, as he says is his intention.